

**State of California  
Office of Administrative Law**

In re:  
Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 1052.5  
Amend sections: 895, 916.9, 936.9, 956.9,  
1052, 1052.1, 1052.2  
Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL File No. 2011-0127-01 E

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The Board of Forestry and Fire Protection submitted this emergency rulemaking action to amend several title 14 sections and to adopt a new title 14 section to address the growing threat of sudden oak death disease that is the result of the plant pathogen, *Phytophthora ramorum*.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code, and sections 4554.5 and 4455 of the Public Resources Code.

This emergency regulatory action is effective on 2/7/2011 and will expire on 6/8/2011. The Certificate of Compliance for this action is due no later than 6/7/2011.

Date: 2/7/2011



Richard L. Smith  
Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/Acting Director

Original: George Gentry  
Copy: Christopher Zimny

# EMERGENCY

STATE OF CALIFORNIA--OFFICE OF

## NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on  
reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2011-0127-01E</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2011 FEB -7 PM 3:28

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATEAGENCY WITH RULEMAKING AUTHORITY  
Board of Forestry and Fire Protection

AGENCY FILE NUMBER (if any)

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Emergency Notice for Sudden Oak Death, 2011	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT <del>1052.8</del> <b>1052.5</b>
	AMEND <del>895.1, 916.9, 1052, 1052.1, 1053.3</del> <b>895, 916.9, 936.9, 956.9, 1052, 1052.1 &amp; 1052.2</b>
	REPEAL <i>per agency</i> <b>RS/OAL 2-7-11</b>

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Christopher Zimny	TELEPHONE NUMBER 916 712 7329	FAX NUMBER (Optional) 916-653-0989	E-MAIL ADDRESS (Optional) chris.zimny@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Christopher Zimny</i>	DATE <i>1/19/11</i>
TYPED NAME AND TITLE OF SIGNATORY Christopher Zimny, Regulation Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 07 2011

Office of Administrative Law

**Emergency Regulation**

**Emergency Notice for Sudden Oak Death, 2011**

**[Adopted by BOF on January 5, 2011]**

**Title 14 of the California Code of Regulations (14 CCR):**

**Amend:**

§ 895 Abbreviations Applicable Throughout the Chapter.

§ 916.9 [936.9, 956.9] Protection and Restoration of the Beneficial Functions of the Riparian Zone in  
Watersheds with Listed Anadromous Salmonids.

§ 1052 Emergency Notice.

§ 1052.1 Emergency Conditions.

§ 1052.2 Emergency Substantiated by RPF.

**Adopt:**

§ 1052.5. Emergency Notice for Outbreaks of Sudden Oak Death Disease.

**Amend 14 CCR § 895. Abbreviations Applicable Throughout the Chapter.**

\*\*\*\*\* CAL Confidential Archaeological Addendum

CAL FIRE California Department of Forestry and Fire Protection

CCR Code of Regulations\*\*\*\*\*

\*\*\*\*\*Sec. Section

SOD Sudden Oak Death

SOE\*\*\*\*\*

Note: Authority cited: Sections 4551, 4551.5, 4554.5, 4555 and 21082, Public Resources Code.

Reference: Sections 4511, 4512, 4513, 4521.3, 4522, 4522.5, 4523-4525, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, 4750, 4750.3, and 4750.4, and 21080.5, Public Resources Code.

**Amend 14 CCR § 916.9 [936.9, 956.9]. Protection and Restoration of the Beneficial Functions of the**

**Riparian Zone in Watersheds with Listed Anadromous Salmonids.**

\*\*\*\*\***(t) Emergency notices** - No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under emergency notices except for:\*\*\*\*\*

\*\*\*\*\***(8)** The harvest of trees or vegetation designated for removal pursuant to 14 CCR § 1052.5 to address Sudden Oak Death that are:

(A) symptomatic of the pathogen that causes Sudden Oak Death and confirmed infected by a certified lab; or

(B) host hardwood trees that could spread the pathogen.

(u) Salvage logging - \*\*\*\*\*

Note: Authority cited: Sections 4551, 4554.5, 4555, 4562.7 and 21000(g), Public Resources Code.  
Reference: Sections 751, 4512, 4513, 4551.5, 4750, 4750.3, 4750.4, 21000(g), 21001(b) and 21002.1, Public Resources Code; Sections 100, 1243 and 13050(f), Water Code; and Sections 1600 and 5650(c), Fish and Game Code.

**Amend 14 CCR § 1052. Emergency Notice.**

(a) Before cutting or removing timber on an emergency basis, an RPF on behalf of a timber owner or operator shall submit a Notice of Emergency Timber Operations to the Director, on form RM-67 (1/1/10), or form RM-65 (1052.4)(1/1/10) for a Fuel Hazard Reduction emergency, or form RM-66 (1052.5) (2/1/11) for a Sudden Oak Death emergency, incorporated by reference herein, as prescribed by the Director. The notice shall include, but not be limited to, the following: \*\*\*\*\*

Note: Authority cited: Sections 4551, and 4552, 4554.5, 4555 and Public Resources Code. Reference: Section 4592, 4750, 4750.3, and 4750.4, Public Resources Code.

**Amend 14 CCR § 1052.1. Emergency Conditions.**

The following are conditions that constitute an emergency pursuant to 14 CCR § 895.1: \*\*\*\*\*

\*\*\*\*\* (f) An isolated infestation of Sudden Oak Death (caused by *Phytophthora ramorum*), in the locations listed below, where such treatments are intended to eradicate the infestation or significantly slow the spread of the disease. For the purpose of this rule an isolated infestation is:

(1) an infestation located in a planning watershed where SOD had not previously been noted; or

(2) an infestation located in a planning watershed that is greater than 1 mile from a known SOD infestation; or

(3) a new infestation within a planning watershed where all known previous SOD infestations within the ownership have been or will be subject to control or eradication efforts; or

1       (4) a location where landowners seek to contain an infestation, even though some landowners  
2 have not made proactive efforts within a planning watershed, and the Department's Pest Specialist  
3 determines that control efforts may be effective.

4       (5) An isolated infestation is limited to locations in the Coast Forest District (14 CCR § 907),  
5 and counties of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey,  
6 Napa, San Mateo, San Luis Obispo, Santa Clara, Santa Cruz, Solano, and Sonoma.

7       The following are conditions that constitute a financial emergency as defined in 14 CCR § 895.1:  
8 \*\*\*\*\* at the completion of timber operations.

9  
10      Note: Authority cited: Sections 4551, 4552, 4554.5, and 4555, Public Resources Code. Reference:  
11      Section 4750, 4750.3, 4750.4 and 4592, Public Resources Code.

12  
13  
14      **Amend 14 CCR § 1052.2. Emergency Substantiated by RPF.**

15      The RPF preparing the Notice of Emergency Timber Operations shall describe the nature of the  
16      emergency and the need for immediate cutting in sufficient detail so that the reason for the emergency is  
17      clear. ~~Where tree killing insects have killed and are likely to kill trees within one year on timberland, an~~  
18 ~~emergency is presumed to exist. Trees will be considered likely to die when they are determined, by an~~  
19 ~~RPF, to be a high risk by either: An emergency is presumed to exist where:~~

20      (a) Trees or vegetation have been confirmed to be infected with the pathogen that causes Sudden Oak  
21 Death through testing by a lab certified by the United States Department of Agriculture, and the RPF has  
22 determined that the pathogen is likely to spread to adjacent trees or vegetation, or

23      (b) Tree killing insects have killed and are likely to kill trees within one year on timberland. Trees will  
24 be considered likely to die when they are determined, by an RPF, to be high risk by either:  
25

1       **(1a)** Risk classification systems including Smith et al., 1981; The California pine risk-rating system:  
2 its development, use, and relationship to other systems; In Hazard-Rating Systems in Forest Insect Pest  
3 Management, Hedden et al., eds. USDA Forest Service General Technical Report WO - 27, pp. 53-69;  
4 Ferrell. 1989; Ten-year risk-rating systems for California Red Fir and White Fir: development and use;  
5 USDA Forest Service General Technical Report PSW-115, 12p.; or similar risk-rating systems recognized  
6 by the profession; or

7       **(2b)** Where evidence of a current beetle attack exists (i.e. existence of boring dust, woodpecker  
8 feeding, or recent top kill) and these trees are within 100 feet of multiple tree kills. Such trees shall be  
9 marked by an RPF or the supervised designee before felling.

10  
11 Note: Authority cited: Sections 4551, 4552, ~~and 4554~~, 4554.5, and 4555, Public Resources Code.

12 Reference: Section 4592, 4750, 4750.3, and 4750.4, Public Resources Code.

13  
14  
15 **Adopt 14 CCR § 1052.5. Emergency Notice for Outbreaks of Sudden Oak Death Disease.**

16       **(a) The RPF preparing the Emergency Notice shall do all of the following:**

17               **(1) provide as part of the Emergency Notice the certified lab testing results validating that trees**  
18 **or vegetation in the infestation area are infected with SOD;**

19               **(2) seek to encompass the entire infestation area and landownership(s) necessary to undertake**  
20 **effective control and eradication in the area covered by the Emergency Notice, however, the Emergency**  
21 **Notice is not required to encompass these areas;**

22               **(3) evaluate and incorporate habitat requirements for fish, wildlife, and plant species to ensure**  
23 **compliance with State and Federal Endangered Species Act using the California Natural Diversity**  
24 **database maintained by the DFG, local knowledge of the planning watershed, and consultation with CAL**  
25 **FIRE regarding other plans in the Emergency Notice area;**

1 (4) obtain written concurrence from the Department Forest Pest Specialist or Department  
2 designee regarding tree and vegetation treatments or removal and strategies to control or suppress the  
3 SOD infestation pursuant to 14 CCR § 1052.5 (c);

4 (5) designate for treatment or removal the host hardwood species in the infested areas and within  
5 330 feet of the infestation area to control the spread of SOD consistent with Forest Pest Specialist  
6 concurrence in (4) above;

7 (6) avoid designation of conifer trees for treatment or removal except as necessary to facilitate the  
8 removal of host hardwood species, the salvage of conifer trees accidentally damaged during operations, or  
9 as specified by the Department Forest Pest Specialist for purposes of controlling the spread of SOD.

10 (b) Timber operations conducted in accordance with 14 CCR § 1052.5 (a) above shall comply with all  
11 rules and regulations of the Board. A person conducting timber operations under an Emergency Notice  
12 for Outbreaks of Sudden Oak Death Disease shall comply with all operational provisions of the Forest  
13 Practice Act applicable to "Timber Harvest Plan, "THP" and "plan" with the following exceptions or  
14 additional requirements:

15 (1) The RPF shall provide written proof of notification regarding the proposed submission of an  
16 Emergency Notice for SOD eradication to the NMFS, DFG, U.S. Fish and Wildlife Service (USFWS),  
17 and the applicable regional water quality control board. Written notification shall be received by  
18 NMFS, DFG, USFWS, and the applicable regional water quality control board at least 10 working days  
19 prior to submission of the Emergency Notice.

20 (2) Tree and vegetation removal or treatment within WLPZ areas shall be permitted and limited to  
21 symptomatic hardwood trees and shrubs that are infested with SOD or host hardwood trees that will  
22 continue to contribute to the spread of SOD. Conifer trees shall not be removed in WLPZs.

23 (3) Timing of operations shall avoid impacts to federal or state listed species.

24 (4) No timber operations shall be conducted on saturated soil conditions.  
25



1 (5) No tree felling operations from July 15 to September 30 that reduce overstory canopy cover in  
2 WLPZs.

3 (6) No mechanical site preparation, broadcast burning, or pile burning in the WLPZ.

4 (7) 14 CCR § 916.3, 936.3, and 956.3, subsection (f) does not apply.

5 (8) Where present prior to the start of timber operations, post harvest stocking standards specified  
6 in 14 CCR § 912.7, 932.7, and 952.7, subsection (b)(2) shall be met with group A species. Where  
7 stocking of Group A species is not sufficient to meet the stocking standards of 14 CCR § 912.7, 932.7,  
8 and 952.7, subsection (b)(2), post treatment stocking shall meet those stated in 14 CCR § 913.4, 933.4,  
9 and 953.4, subsection (b), Rehabilitation of Understocked Area Prescription. The percentage of stocking  
10 requirements met with Group A species on a point count basis shall be no less than the percentage of the  
11 basal area they comprised before harvesting.

12 (9) Operations shall be conducted in accordance with conditions stated in 14 CCR § 1038  
13 (b)(1),(2),(3),(4),(5),(7), (8), and (10).

14 (10) Tractors or other heavy equipment shall not be used within the WLPZ, except on existing  
15 roads.

16 (11) The Department shall track the number of Emergency Notices for outbreaks of SOD, the  
17 acreage treated under the notices, and the WLPZ acreage treated under the notices, and report the results  
18 to the Board by December 1, 2011.

19 (c) The RPF shall describe the strategies employed which will be utilized to control or suppress the SOD  
20 infestation on the harvest area along with those measures to be used to minimize the risk of spreading  
21 *Phytophthora ramorum* from the logging area by way of infected soil and infected host material. In  
22 developing such strategies, the RPF shall draw from the list of Mitigation and Management  
23 Recommendations in the California Oak Mortality Task Force publication *Sudden Oak Death for*  
24 *Forestry, August 2010* at: [www.suddenoakdeath.org/diagnosis-and-management/best-management-](http://www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/)  
25 practices/, incorporated by reference herein.

1 Note: Authority cited: Sections 4551, 4551.5, 4552, 4553, 4554.5, 4555, and 4592, Public Resources  
2 Code. Reference: Sections 4513, 4554, 4555, 4561, 4562, 4584, 4592, 4750, 4750.3, 4750.4, 21001(f)  
3 and 21080(b)(4), Public Resources Code.  
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**NOTICE OF EMERGENCY TIMBER OPERATIONS  
SUDDEN OAK DEATH DISEASE**

FOR ADMIN. USE ONLY

STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
NOTICE OF TIMBER OPERATIONS THAT ARE EXEMPT  
FROM TIMBER HARVESTING PLAN REQUIREMENTS RM-66(1052.5) (2/1/11)

EM. # \_\_\_\_\_  
Date of Receipt \_\_\_\_\_  
Date Accepted by CAL FIRE \_\_\_\_\_  
Date Expires \_\_\_\_\_

**OPERATIONS CANNOT COMMENCE FOR 5 WORKING DAYS FROM DATE  
OF RECEIPT BY CAL FIRE.**

**TIMBER OPERATIONS VALID FOR ONE YEAR FROM DATE OF ACCEPTANCE BY CAL FIRE**

The Director of the Department of Forestry and Fire Protection (CAL FIRE) is hereby notified of timber operations under the requirements of PRC § 4592 and 14 CCR §§ 1052-1052.5 to remove timber on an emergency basis. The registered professional forester (RPF) should complete items 1-7 and shall sign the declaration of emergency on page three and provide additional information. The timber owner must sign the declaration of intent to pay the yield tax in Item 1.

1. TIMBER OWNER(S) OF RECORD: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

**TIMBER TAX NOTICE:** The timber owner is responsible for payment of a yield tax and must complete the following declaration: ***I declare, under penalty of perjury, that any applicable timber yield taxes will be paid, pursuant to Section 38115 of the Revenue and Taxation Code*** (complete the signature below). **TIMBER TAX EXEMPTION:** Timber owners owe timber yield tax when they harvest trees unless the harvest is exempt (Revenue and Taxation Code sec. 38116). Some small or low value harvests may be exempt from the timber yield tax: timber removed from an operation whose value does not exceed \$3,000 within a quarter, according to BOE Harvest Value Schedules, Rule 1024. If you believe your harvest may qualify for this exemption, please complete Items A, B, and C below. **For timber yield tax information or for assistance with these questions call 1-800-400-7115**, or write: Timber Tax Section, MIC: 60, State Board of Equalization, P.O. Box 942879, Sacramento, CA 94279-0060; or see the BOE Web Page on the Internet <http://www.boe.ca.gov>.

A. Circle the option that most closely estimates the total volume for this harvest, in thousands of board feet (mbf - Net Scribner short log):

Under 8 mbf                      8-15 mbf                      16-25 mbf                      Over 25 mbf

B. Estimate what percentage of timber will be removed during this harvest:

Redwood \_\_\_\_\_%; Ponderosa pine/Sugar pine \_\_\_\_\_%; Douglas-fir \_\_\_\_\_%; Fir \_\_\_\_\_%;  
Port-Orford Cedar \_\_\_\_\_%; Cedar (IC, WRC) \_\_\_\_\_%; Other conifer \_\_\_\_\_%; Other hardwood \_\_\_\_\_%.

C. Fuelwood over 150 cords? Yes \_\_\_\_\_ No \_\_\_\_\_. D. Christmas trees over 3,000 lineal feet? Yes \_\_\_\_\_ No \_\_\_\_\_.

**SIGNATURE OF TIMBER OWNER:** \_\_\_\_\_ **Date** \_\_\_\_\_

2. TIMBERLAND OWNER(S) OF RECORD: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

3. LICENSED TIMBER OPERATOR(S): Name \_\_\_\_\_ Lic. No. \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_

4. Describe the nature of the emergency and the need for immediate harvesting of trees. Include the specific conditions that constitute the emergency, its cause, extent, reason for the immediate commencement of timber operations, and conformance with all subsections of 14 CCR §§ 1052.1(f), 1052.2 (a) and 1052.5: \_\_\_\_\_

5. Describe the yarding system to be followed: \_\_\_\_\_

6. Provide the expected dates of commencement \_\_\_\_\_ and completion \_\_\_\_\_ of timber operations.

Adopt entire text

7. Designate the legal land description of the location of the timber operation. Attach a titled USGS (if available) or equivalent topographic map(s) of scale not less than 2" to the mile, or larger scale, showing the area from which timber will be cut or removed, the legal description, roads and Class I, II, III and IV watercourses, and yarding systems if more than one will be used. It would be helpful to include a USGS 7.5 minute quadrangle or equivalent map, describe the access route to the timber operation so that it can be easily located, and/or include an assessor's parcel map for small areas.

Section	Township	Range	Base & Meridian	County	Logging Area Acreage (Estimated)	Assessors Parcel # (Optional)
_____	_____	_____	_____	_____	_____	_____

**The following are limitations or requirements for timber operations conducted under a Notice of Emergency Timber Operations (Notice, Notice of Emergency, or Emergency Notice) for Sudden Oak Death Disease:**

1. This notice must be submitted to and received by CAL FIRE at one of the offices listed below. Timber operations may not commence for 5 working days after receipt by CAL FIRE, unless the waiting period is waived by the Director of CAL FIRE (Notice of Acceptance from CAL FIRE will constitute a waiver of the 5 day period).
2. 14 CCR §§ 895.1 and 1052.1 define and list emergency conditions. Citing or paraphrasing of these sections does not satisfy the requirements of § 1052.2 or 1052.5. The RPF preparing the notice must accomplish the following to substantiate the emergency: Describe the nature of the emergency and the need for immediate cutting in sufficient detail so the reason for the emergency is clear.
3. Timber operations conducted under this notice must meet the stocking standards contained in 14 CCR § 1052.5(b)(8). The timber operations shall also comply with all operational provisions of the Forest Practice Act and District Forest Practice Rules applicable to "Timber Harvesting Plan," "THP," and "plan," and with the exceptions or additional requirements contained in §1052.5(b)(1)-(11). The requirements to submit a completion and stocking report apply.
4. The Emergency Notice filing shall contain the following:
  - a. A certified lab test validating SOD infestation;
  - b. Written concurrence from the CAL FIRE Pest Specialist per 1052.5(a)(4);
  - c. Written proof of notification and receipt of the emergency notice to the public agencies listed in § 1052.5(b)(1); and
  - d. A description of the strategies employed, which will be utilized to control or suppress the SOD infestation on the harvest area along with those measures to be used to minimize the risk of spreading *Phytophthora ramorum* from the logging area by way of infected soil and infected host material.

In developing such strategies, the RPF shall draw from the list of Mitigation and Management Recommendations in the California Oak Mortality Task Force publication Sudden Oak Death for Forestry, August 2010 at: [www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/](http://www.suddenoakdeath.org/diagnosis-and-management/best-management-practices/).

5. The RPF preparing the emergency notice must sign the declaration of emergency and the timber owner must sign the declaration of intent to pay the Timber Yield Tax (PRC § 4592).
6. Timber Operations under this Notice of Emergency are valid for one year from date of acceptance by CAL FIRE. If timber operations are to extend beyond that period, such operations must be described in an approved Timber Harvesting Plan. If there is any doubt that a timber operation will not be completed by that date, a THP should be submitted to CAL FIRE as soon as possible.
7. A licensed timber operator must be designated upon submission of this notice.
8. For emergency notices covering three acres or more, the RPF shall include a Confidential Archaeological Letter (CAL) with the emergency notice submitted to the Director. The CAL shall include all information required by 14 CCR § 929.1 [949.1, 969.1](c)(2), (7), (8), (9), (10) and (11), including site records, if required pursuant to 14 CCR §§ 929.1 [949.1, 969.1](g) and 929.5. The discovery of human remains requires immediate notification to appropriate agencies. 14 CCR § 929.3 [949.3, 969.3] requires notification to CAL FIRE. The area must not be further disturbed, and any area reasonably suspected to overlie adjacent human remains, until an evaluation is completed by the County Coroner pursuant to Health and Safety Code § 7050.5. If the human remains are determined to be Native American, the Native American Heritage Commission must also be notified pursuant to Public Resources Code § 5097.98.

**The following suggestions may help ensure your compliance with the Forest Practice Rules:**

1. Timber owners, timberland owners and timber operators should obtain and review copies of the Forest Practice Rules pertaining to the Notice of Emergency. Copies may be obtained from BARCLAYS LAW PUBLISHERS, P.O. Box 2006, San Francisco, CA 94126, CAL FIRE, Forest Practice, P.O. Box 944246, Sacramento, CA 94244-2460; or CAL FIRE's Web Page at <http://www.fire.ca.gov>.
2. Contact the CAL FIRE office listed below for questions regarding the use of this notice.

Adopt entire text

FILE THIS NOTICE WITH THE CAL FIRE OFFICE BELOW FOR THE COUNTY IN WHICH THE OPERATION WILL OCCUR:

Alameda, Colusa, Contra Costa, Del Norte Humboldt, Lake, Marin, Mendocino, Napa,  
San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, western Trinity and Yolo Counties.

=> Forest Practice Program Manager  
=> CAL FIRE  
135 Ridgway Avenue  
Santa Rosa, CA 95401

Butte, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Shasta,  
Sierra, Siskiyou, Sutter, Tehama, eastern Trinity and Yuba Counties.

=> Forest Practice Program Manager  
=> CAL FIRE  
6105 Airport Road  
Redding, CA 96002

Alpine, Amador, Calaveras, El Dorado, Fresno, Imperial, Inyo, Kern, Los Angeles,  
Madera, Mariposa, Merced, Mono, Monterey, Orange, Riverside, San Benito, San Bernardino,  
San Diego, San Luis Obispo, Santa Barbara, Stanislaus, Tuolumne, Tulare, and Ventura Counties.

=> Forest Practice Program Manager  
=> CAL FIRE  
=> 1234 East Shaw Avenue  
Fresno, CA 93710

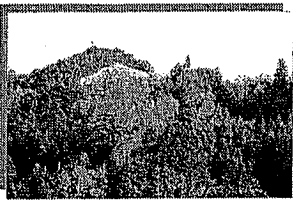
***I declare, under penalty of perjury, that an emergency exists requiring immediate timber harvesting activities within the meaning of 14 CCR §§ 1052-1052.5:***

RPF Signature: \_\_\_\_\_ Lic. No. \_\_\_\_\_ Date \_\_\_\_\_

RPF Printed Name: \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

# Sudden Oak Death Guidelines for Forestry



A plant disease known as Sudden Oak Death is threatening coastal forests in California and Oregon. Currently found in 14 coastal counties from Monterey to Humboldt, the disease is caused by the pathogen *Phytophthora ramorum*. To date, hundreds of thousands of tanoak and oak have been killed by this disease. In addition, more than 30 other native tree and shrub species are susceptible to the organism, yet most of these species suffer only minor damage, limited to leaf spots or twig dieback. *P. ramorum* may be transported to new areas when infected plants, infested soil, or contaminated water are moved. This guide provides simple, practical information on how to work in forests without unintentionally moving the pathogen from one area to another.

## Regulations

The following California counties have confirmed *Phytophthora ramorum* findings and are under State and federal quarantine: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma. The organism has also been found in Curry County, southwestern Oregon. These quarantined areas are subject to regulations regarding the movement and use of susceptible plants. County Agricultural Commissioners enforce both California and federal regulations.

The California State Board of Forestry and Fire Protection has approved the establishment of a Zone of Infestation (ZOI) for Sudden Oak Death (SOD) covering all portions of the 14 infested counties identified in the CDFA Section 3700 regulations. Pursuant to 14 CCR 917.9(a) [All Districts], the RPF shall identify feasible measures to mitigate adverse infestation or infection impacts from timber operations (PCR 4527). Long-term plans such as NTMP's should re-assess Sudden Oak Death mitigations within each proposed Notice of Timber Operations (14 CCR 1090.7). Other CDF permitted projects, such as Exemptions, are required to follow all operational rules, and must therefore be conducted in a manner that minimizes the spread of SOD.



Before moving susceptible plant material outside the regulated area you must contact your local County Agricultural Commissioner for a permit, or have an active harvest plan that either includes SOD mitigations or has a currently valid, negative finding, "free-from" survey. USDA Forest Service and other agency firewood permits may serve as your permit or compliance agreement. Current California regulations require a permit for movement of any regulated article from the 14 county regulated area to anywhere outside of those 14 counties. Current federal regulations require a permit (certificate) or treatment before moving any regulated plant material from the 14

infested counties to areas out of the state. Federal rules regulate soil movement from infested counties out of the state, but California does not currently regulate soil movement within the state. Currently there is no provision that allows moving any host material out-of-state under the federal regulations without removing all bark, or an approved treatment prior to shipment out-of-state. Even when bark is removed, a certificate must be obtained prior to shipment. State and Federal regulations apply when



infected hosts are removed during timber operations. Regulated host material cannot not leave the ZOI except as authorized through an approved harvest document with either a valid "free-from" survey or where mitigations have been addressed minimizing the spread of the pathogen. Mitigation measures must be discussed in harvest documents due to the declarations of the 14-county area as a Zone of Infestation by the Board of Forestry and Fire Protection Regulations even when host logs are not being moved offsite. NOTE: a free-from survey is allowed only if the regulated articles are not moved interstate. The free-from survey is valid for a period of one year from the date of survey if no symptomatic hosts are found, or one year from the date of negative lab findings of symptomatic host samples.

## Hosts, Symptoms, and Diagnosis

The symptoms of Sudden Oak Death can be dramatic (Photo 1), as with the mortality of large and small tanoaks, or fairly subtle (Photo 2), such as leaf spots on California bay laurel. The nature and progression of the infection varies in each host species, and even within a given species. *P. ramorum* symptoms are difficult to distinguish from a number of other common diseases. Foresters may be more confident in their preliminary diagnosis and the need for laboratory analysis if they observe multiple external and inner bark symptoms as well as symptoms on other hosts in the immediate area. If you see several symptomatic host plants (Photos 3 & 4) next to bleeding oaks and tanoaks (Photos 5 & 6) you may be in an infested area.

California bay laurel is a good indicator plant to check for symptoms. Although damage is limited to leaf spots, these trees are often the first plants to show symptoms in a newly infested area. Note that on California bay laurel, leaf spots are typically near the leaf tip, they are not on every leaf, and they may be hard to see from far away. While inspecting for leaf spots, focus on lower branches as this is where the disease is commonly found and leaves are more accessible.

A more thorough guide to symptoms and list of susceptible species is available at [www.suddenoakdeath.org](http://www.suddenoakdeath.org). You can also find listings for upcoming diagnosis and treatment training sessions online.

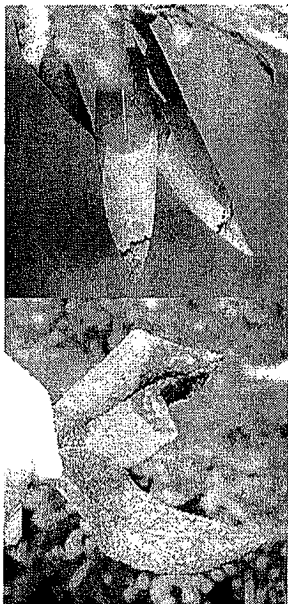


Photo 3. Bay laurel leaf spots. (Photo by Matteo Garbelotto, University of California, Berkeley.)

Photo 4. Rhododendron leaf spots. (Photo by B. Moltzan, Missouri Department of Conservation.)

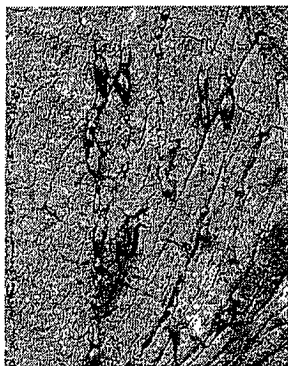


Photo 5. Bleeding cankers on a coast live oak trunk. (Photo by Matteo Garbelotto, University of California, Berkeley.)

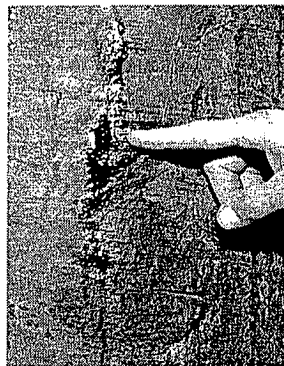


Photo 6. Bleeding cankers on a tanoak trunk. (Photo by Pavel Svihra, UC Cooperative Extension.)

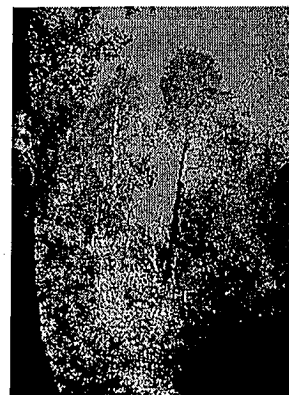


Photo 1. Forest in Marin County with tanoak trees killed by *Phytophthora ramorum*. (Photo by B. Tkacz, USDA Forest Service.)



Photo 2. California bay laurel (also called pepperwood, or Oregon Myrtle) showing leaf spots typical of *Phytophthora ramorum*. (Photo by Bruce Moltzan, Missouri Department of Conservation.)



Photo 7. Canker under bark on coast live oak trunk. (Photo by Matteo Garbelotto, University of California, Berkeley.)

# Mitigation & Management Recommendations

## Infested forests

If possible, avoid working in areas that are known or appear to be diseased. If you cannot avoid infested areas, follow the sanitation practices below when working in the known infested areas. If you don't know if the site is infested, play it safe and assume that it is. Maps of infested areas are available online (see Resources). These maps do not note every diseased area but can give you a general idea of the infested areas in California.

## Pathogen biology and risk of spread

*Phytophthora ramorum* prefers moist environments and cool temperatures, and can be found in living, dying, or recently dead plants. During wet periods, the organism seems to be most active and therefore most likely to start new infections. Its spores can be found in soil, water, and plant material. The risk of movement and spread of the organism is greatest in muddy areas and during rainy weather. If possible do not work in infested forests during the wet, rainy and cool times of the year. Generally, avoid working in muddy conditions.

## Sanitation and Recommendations

Timber operations which minimize or avoid the introduction, build-up, or spread of SOD are considered Best Management Practices (BMPs). Specific state and federal regulations must be followed, but BMPs should be incorporated, and could act as timber harvest plan mitigations. Infected host material (especially foliage) can be carried on logging equipment and vehicles, and transferred to other sites. Mitigation measures to minimize the unintended movement of host material are recommended. The following (or similar) mitigation measures should be implemented to the extent practical and may be required for timber operations regulated by the State. Even if regulated articles do not move from the ZOI and are therefore not subject to state or federal regulations, CCR 919.9(a) still requires mitigation in timber harvest plans on state or private property for a pest covered by a ZOI.

- RPF (or LTO for most Exemptions) should inform personnel that they are working in an area with Sudden Oak Death disease, unauthorized movement of plant material is prohibited, and the intent of mitigation measures is to prevent disease spread (14 CCR 1035.2). If some sites in the general operating area are found to be disease-free or have a low incidence of disease, consider initiating operations on these sites before moving to more heavily infested sites.
- To the extent practical and feasible, route equipment away from host plants and trees, especially in areas with disease symptoms.. Locate landings, log decks, logging roads, tractor roads, and other sites of equipment activity away from host plants, especially areas with disease symptoms.
- Each time equipment or vehicles leave the site, the equipment or vehicles should be inspected by operations personnel for host plant debris (leaves, twigs, and branches). Host plant debris should be removed from equipment and vehicles prior to their departure. This applies to all equipment and vehicles associated with the operation, including logging equipment, log-hauling trucks, pick-up trucks, employee's personal vehicles, etc. An exception will be granted for equipment or vehicles that leave the site temporarily and will be not be traveling to uninfested areas prior to their return.
- Conduct operations during the dry season. Utilize paved and rocked roads and landings to the extent possible.
- After working in an infested area, remove or wash off accumulations of soil, mud, and organic debris from shoes, boots, vehicles and heavy equipment, etc. before traveling to an area that is not infested with Sudden Oak Death. Lysol® or a bleach solution can be used to disinfect shoes and boots after cleaning.
- Inspect loads of logs and equipment leaving the site to ensure that no host material is being transported without a permit. This may require cleaning mud from vehicle to remove host plant material imbedded in



mud depending on conditions when the timber harvest is conducted. Consider establishing an equipment power wash station. The station should be: located within the generally infested area; paved or rocked; well-drained so that vehicles exiting the station do not become contaminated by the wash water; located where wash water and displaced soil does not have the potential to carry fines to a watercourse (see "Saturated Soil Conditions" in 14 CCR 895.1); pay particular attention to sites where soil and organic debris may accumulate.

## **Firewood**

If firewood from host material is being removed from the regulated area for commercial or private use, a compliance agreement must be in place. The information as to where and what is being removed, how it will be transported, specifically where it will be moved to, and during what time period should be included in the harvest document if the document will act as the compliance agreement. If this information is not included in the plan, a separate compliance agreement may be necessary. Contact your local County Agricultural Commissioner to obtain any necessary compliance agreements not covered by the plan. Always secure loads completely when transporting firewood or other materials.

## **Treatments**

There are treatments or processing protocols that can be done to minimize the risk of spread. Removing the bark allows the wood to dry and permits movement within the state and out of state with a certificate. If bark is removed or other parts are not used, burn the excess materials if possible. If burning is done, make sure it is done in a safe and approved manner. Burning poses no risk of spread since the organism is killed in the fire. When storing material, keep it dry and out of any standing water. Kiln drying also will kill the organism.

## **Drafted water**

Infested water has not been proven to be a pathway for *P. ramorum* to cause new infections in forested areas, but has been shown to cause new infections in nurseries. Hence, drafted water has the potential to spread spores of the pathogen onto roadside hosts during dust abatement operations. Spores of the pathogen have been recovered from water collected beneath infected hosts, as well as from creeks and streams in infested areas.

Water is not regulated under either state or federal quarantine regulations. However, the following practices may minimize the unintentional introduction of the pathogen:

- If water is drafted and used for dust control, draft water from areas upstream of known infestations or from uninfested drainages.
- If drafting from known infested watercourses, do not water roads with that source in areas that are not known to be infested.
- If water is being drafted under a 1600 Series agreement with the California Department of Fish and Game and or used in both infested and non-infested areas, they may require treatment with Ultra Clorox, similar to the recommended water treatment for *P. lateralis*, which causes Port-Orford Cedar Root Disease. The registration rate is 1 gallon of Ultra Clorox Bleach per 1,000 gallons of drafted water.
- Do not use untreated water from infested areas for irrigation of host species nursery stock. Off-road approaches to drafting sites should be sufficiently rocked to minimize accumulating infested soil on drafting vehicles.

## **Snag retention**

As stem-infected oaks and tanoaks decline and die, they are invaded by other wood decaying organisms and bark beetles. Such trees are prone to early structural failure, often breaking off several feet above ground. When selecting snags or recruitment trees for snags as a benefit for wildlife use, do not select SOD-infected trees.